

## REMARKS

This application has been carefully reviewed in light of the Office Action dated May 19, 2004 (Paper No. 5). Claims 2 to 4, 7 to 9 and 12 to 15 are in the application, of which Claims 2, 7 and each of 12 to 15 are independent. Reconsideration and further examination are respectfully requested.

Replacement sheets are submitted herewith for Figures 8 and 11, in response to the objection lodged against the drawings. In this regard, although the objection mentioned Figures 9 and 10, it was clear that Figures 8 and 11 were intended. Withdrawal of the objection to the drawings, and approval of the accompanying replacement sheets, are both respectfully requested.

All claims were rejected under 35 U.S.C. § 103(a), primarily over U.S. Patent 6,144,459 (Satou) in view of U.S. Patent 5,392,133 (Nakajima). Specifically, Claims 1, 2, 6, 7, 11 and 12 were rejected over Satou in view of Nakajima, Claims 3 and 8 were rejected further in view of U.S. Patent 6,442,252 (Fujise); and Claims 4, 5, 9 and 10 were rejected further in view of U.S. Patent Application Publication 2002/0089683 (Moro).

In response to these rejections, Claims 1, 6 and 11 have been cancelled without prejudice or disclaimer of subject matter, and without conceding the correctness of their rejections. In addition, Claims 2, 7 and 12 have been amended in keeping with the subject matter of now-cancelled Claims 5 and 10, respectively, and new Claims 13 to 15 have been added. Accordingly, this should be viewed as a traversal of the rejection, as detailed more fully below.

The invention concerns communication in a color communication apparatus that includes an alternative memory reception function as well as a printer unit in which a color cartridge for normal color printing or a high-definition color cartridge for high-definition color printing is selectively loaded. In a typical arrangement, an opposite device will decide whether or not to send color data based on a declaration of color reception ability. According to one aspect of the invention, a setting is made as to validation or invalidation of the alternative memory reception function. Even if the alternative memory reception function is invalidated, and there is no printer error, the color reception ability declaration is not made if there has been a presetting of non-permission of received image printing carried out by using the high-definition color cartridge.

The invention therefore addresses a situation in which there otherwise might be wasteful consumption of expensive high-definition color cartridges. Specifically, in prior art apparatuses, when memory reception is impossible but printing by the printer unit is possible, a color image can be received in direct reception. However, if the high-definition color cartridge has been loaded and mounted, direct reception results in wasteful use of the high-definition color cartridge, even for a user who does not intend to execute printing under these circumstances.

On the other hand, according to the invention, as recited in the independent claims herein, in a case of using the high-definition color cartridge, it is possible to preset non-permission of received image printing by the high-definition color cartridge by not making a declaration of color reception ability.

Satou discloses that a received image is stored in a memory, which is synonymous with alternative memory reception, when a facsimile machine is in an unrecordable state.

Nakajima discloses that an NSF signal is used to transfer information representing whether color image data can be received by the reception-side facsimile.

Moro discloses that, when a different cartridge is mounted when printing is executed, such a fact is notified to a user through a PC so that the user can judge whether or not to stop printing. Thus, any permissible combination of Satou, Nakajima and Moro would result in a facsimile in which alternative memory reception is possible, and when a different cartridge is loaded and mounted during reception, the user is notified of this fact. Since the user is notified of mounting of different cartridges, the user might be able to stop printing of a color image if it is his intention not to permit direct printing. However, such an arrangement would still fail to disclose or to suggest at least the presetting of permission or non-permission of received image printing carried out by using a high-definition color cartridge.

It is therefore respectfully submitted that even if Satou, Nakajima and Moro were combined in the hypothetical manner proposed by the Office Action, the combination would still fail to disclose or suggest the salient features of the invention, particularly as regards a presetting of permission or non-permission of received image printing carried out by using a high-definition color cartridge, which in turn causes a color reception ability declaration not to be made.

Withdrawal of the rejections are respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael K. O'Neill", written over a horizontal line.

Attorney for Applicant  
Michael K. O'Neill  
Registration No. 32,622

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200

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